

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

BRAD FENIMORE, )  
                        )  
Plaintiff,           )  
                        )  
v.                     )                           No. 5:17-CV-006075-DGK  
                        )  
CGB DIVERSIFIED SERVICE INC., )  
                        )  
Defendant.           )

**ORDER GRANTING LEAVE TO AMEND COMPLAINT AND DENYING AS MOOT  
MOTION TO DISMISS**

Now before the Court is CGB Diversified Service, Inc.’s (“Defendant”) Motion to Dismiss (Doc. 9). After Defendant filed the motion, Brad Fenimore (“Plaintiff”) filed a Second Amended Petition (Doc. 14) and a Motion to Amend (Doc. 15). After review and consideration, the Court GRANTS Plaintiff’s Motion to Amend, and DENIES AS MOOT Defendant’s Motion to Dismiss.

Rule 15(a)(2) of the Federal Rules of Civil Procedure states that the Court should freely give leave to amend when justice so requires. Further, a motion to amend a complaint renders moot a motion to dismiss that complaint. *See Pure Country, Inc. v. Sigma Chi Fraternity*, 312 F.3d 952, 956 (8th Cir. 2002). Should it wish to do so, Defendant may file a motion to dismiss Plaintiff’s Second Amended Petition.

Accordingly, Plaintiff’s Motion to Amend (Doc. 15) is GRANTED. Defendant’s Motion to Dismiss (Doc. 9) is DENIED AS MOOT.

**IT IS SO ORDERED.**

Dated: December 6, 2017

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT